

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): LARSON, Keith N.	Conf. No.: 4111
Application No.: 10/674,515	Art Unit: 2617
Filed: September 30, 2003	Examiner: Kwasi Karikari
Title: EMERGENCY NOTIFICATION SYSTEM USING PRESENCE, TRIANGULATION, AND WIRELESS TELEPHONY	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REVIEW BY SUPERVISORY PATENT EXAMINER
PURSUANT TO MPEP 707.02

Sir:

MPEP 707.02 provides:

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent Office action with a view to finally concluding its prosecution.

Any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution. In order to accomplish this result, the application is to be considered "special" by the examiner.

This application has been pending for eight years, and more than six years have passed since the first Office Action. TEN Office Actions have issued, and prosecution has twice been reopened after the filing of notices of appeal. The present Office Action rejects claims 15 and 17 for not satisfying the written description requirement but fails to address the fact that Applicant identified support for these claims when they were added to the application. The Office Action continues to reject claims under 35 U.S.C. 102

using a novel theory of anticipation based on a reference teaching something "associated with" one of the claim limitations rather than actually disclosing the claim limitation. Furthermore, Applicant's detailed arguments distinguishing the claims over the applied references have not been addressed.

The rejections under 35 U.S.C. 103 involve interpretation issues that may be ready for review by the Board of Appeals. However, it is not believed that the Section 102 rejections are even arguably proper, and there is insufficient information in the record to determine whether the Section 112 rejections are proper. It therefore seems possible that prosecution will be reopened for a third time if a third notice of appeal is filed now, in response to this final Office Action.

Ten Office Actions over six years should be sufficient to either determine that claims are allowable or to present rejections that are suitable for review by the Board of Appeals. Applicant would like to ensure that the next notice of appeal does not result in a third reopening of prosecution. Applicant states for the record that a third Notice of Appeal will likely be filed if the present rejections are maintained, and respectfully requests the help of the examiner's supervisor in either finding allowable subject matter or presenting rejections that are likely to survive a panel review and that will not require a further reopening of prosecution. To advance prosecution, if the examiner's supervisor agrees that the present rejections are not suitable for review on appeal, it is respectfully requested that a new final or non-final Office Action be issued instead of an Advisory Action. Ideally, that Office Action will respond to all arguments of record and contain rejections that the examiner and his supervisor are willing to defend on appeal.

Respectfully submitted,

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